

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1601 OF 2005

Bimal Bhatt ...Petitioner

Versus

State of Maharashtra ...Respondents
GB CB CID, Mumbai.

.....

Mr. S.V. Marwadi i/b Prakash Naik, Advocate for
Petitioner

Mr. S.R. Shinde, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 4TH JULY, 2005

P. C.:-

1. Heard both sides.

2. The petitioner is seeking discharge in case Nos. 89/P, 89-A AND 89-B/P/2000 (Old Case Nos. 92/P, 93/P & 94/P/1986). The said cases pertain to C.R. No. 163 of 1984 of GB, CB, CID. The said cases are pending before the Additional Chief Metropolitan Magistrate, 19th Court, Esplanade, Mumbai.

3. It is contended by the learned advocate for the petitioner that the petitioner has placed reliance on various documents which formed part of the charge sheet. These documents were specifically pointed out

to the Court while arguing the discharge application. It is the grievance of the petitioner that these documents were not considered by the trial Court and the application for discharge came to be rejected. The learned A.P.P. fairly states that in this view of the matter, the matter be remanded back to the learned Magistrate for re-consideration of the application for discharge.

4. In view of the above statement the matter is remanded back to the learned Magistrate for re-consideration. The learned Magistrate shall consider the documents which had been relied upon by the petitioner which formed the part of the charge sheet and, thereafter, decide the case on merit without being influenced by the earlier order dated 25.4.2005.

5. Writ petition is disposed of in the above terms.
